

APR 28 2009

JOHN F. CORCORAN, CLERK  
BY: *J. Craft*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MICHAEL D. DAROCHA,

Plaintiff,

**V.**

FIRST CITIZENS BANK,

Defendant.

Civil Action No. 7:09CV00137

**FINAL ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that this action shall be and hereby is dismissed without prejudice for lack of subject matter jurisdiction, pursuant to 28 U.S.C. § 1915(e)(2)(B) and Rule 12(h)(3) of the Federal Rules of Civil Procedure.

The Clerk is directed to strike this action from the active docket of the court. The Clerk is further directed to send a certified copy of this order and the accompanying memorandum opinion to the plaintiff.

**ENTER:** This 27<sup>th</sup> day of April, 2009.

*John Conrad*  
United States District Judge